

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ELIAS HERNANDEZ, JR. §
VS. § CIVIL ACTION NO. 1:07cv636
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Elias Hernandez, an inmate confined in the Coffield Unit of the Texas Department of Criminal Justice, Correctional Institutional Division, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states that on March 3, 2006, he was convicted of aggravated assault in Nueces County, Texas. He was sentenced to nine years imprisonment.

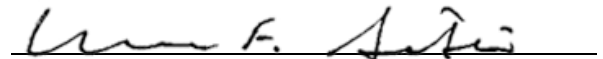
Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Nueces County, Texas. Pursuant to 28 U.S.C. § 124, Nueces County is in Corpus Christi Division of the Southern District of Texas. As all records and witnesses involving this action may be located in the Southern

District, the transfer of this action to such district would further justice.

Accordingly, this case should be transferred to the Corpus Christi Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 17 day of October, 2007.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE